

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEAN-CHRISTOPHE LIEBESKIND, et al.,

No. C-07-3962 MMC

Plaintiffs,

v.

ALLIANCE TITLE CO.,

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFFS' EX PARTE
APPLICATION FOR PAYMENT OF
FUNDS**

Defendant

ALLIANCE TITLE CO.,

Cross-complainant,

v.

JEAN-CHRISTOPHE LIEBESKIND, et al.,

Cross-defendants

On December 4, 2007, plaintiffs filed an "[Unopposed] Ex Parte Application for Payment of Funds to IRS Pursuant to Stipulation."¹ Contrary to the suggestion in its title,

¹Plaintiffs have failed to provide the Court with a chambers copy of the application, or of the Request for Judicial Notice filed in support thereof. Further, plaintiffs have failed to provide the Court with a chambers copy of any of the various documents plaintiffs electronically filed on November 30, 2007. Plaintiffs are hereby ORDERED to immediately provide the Court with a chambers copy of each document plaintiffs electronically filed on November 30, 2007 and December 4, 2007. For future reference, plaintiffs are reminded of the following provision in the Court's Standing Orders: "In all cases that have been assigned to the Electronic Case Filing Program, the parties are required to provide for use in chambers one paper copy of each document that is filed electronically. The paper copy of each such document shall be delivered no later than noon on the day after the document is filed electronically. The paper copy shall be marked 'Chambers Copy' and shall be delivered to the Clerk's Office in an envelope clearly marked with the judge's name, case

1 the application is not a stipulation, but rather an effort to enforce an asserted stipulation.

2 Further, the matter addressed by plaintiffs' application pertains to the resolution of a
3 portion of the complaint in interpleader filed by Alliance Title Co. and, as such, is not
4 appropriate for resolution by an "ex parte" application. Rather, if plaintiffs are unable to
5 obtain a stipulation from all parties as to the subject payment to defendant Internal
6 Revenue Service, plaintiffs must file a motion noticed for hearing pursuant to Civil Local
7 Rule 7-2.²

8 Accordingly, the application is hereby DENIED without prejudice.

9 **IT IS SO ORDERED.**

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11 Dated: December 5, 2007

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MAXINE M. CHESNEY
United States District Judge

number, and 'E-Filing Chambers Copy.'"

²If plaintiffs believe there is good cause to hear any such motion on shortened time, plaintiffs may file a motion to shorten time pursuant to Civil Local Rule 6-3. A motion to shorten time, if not stipulated, must be accompanied by, inter alia, a declaration setting forth with "particularity" the efforts the moving party has made to obtain a stipulation to the time change. See Civil L.R. 6-3(a).